Preserve

App. F. IX-4

Previous References 193 6-7 (Mey)

File No. 164-36

Serial Nos: 1 to 8

Letter References
Law/89-37-1-4
Revg 224-39-1-5.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Eight

Part B for January 1938.

SUBJECT.

Appeal against the order of the Mayavaram Commissioner re: Arrears of Jamma and assessment due on lands containing in Chowmangapatna Taluk belonging to the Tem of Sri Narayana Swamie at Melkote.

Ends vide 85-7-8 of 11.12.37 to the petitioners intimating that the appeal is rejected.

WD 0295—GPB—22,500—13 8 37

17/2

G. R. S. APP F. III—1] 1936.7

GENERAL AND REVENUE SECRETARIAT.

(May)

NOTES.

File No. 164-36

FILE HEADING.

Appeal re. arrears of grain and assessment due in respect of lands situated in Doddaganni and other Villages of Channarayapatna Tk endowed to Sri Narayanaswami temple at Melkote.

FROM Arkam Ramasetty Son of Arkam Subbarayasetty Merchant - Channarayapatna.

No. — Dated 19.1.37 Received 20.1.37

Diary No. 68	Enclos. 2	Spare copies —	Serial No. 1

BRIEF ABSTRACT OF LETTER

Appeals against the orders of the Mysore Commissioner in the matter of arrears of grain and assessment due in respect of lands situated Doddaganni, Chikkaganni, Nallur and Arekalu Kalenahalli Villages of Channarayapatna Taluk endowed for the benefit of the temple of Sri Narayanaswami at Melkote.

NOTES AND ORDERS.

1) As to the grain case, Rs. ...
Ref. to the Mysore Commissioner's letter No. 28/36-37 dt. 1st of the Mr. Arkam Subbarayasetty, the lessee of the lands ... enclosing ref. to the case ... Arkam Rama Setty, Arkam ... Setty, Arkam Krishna Setty; the ...

NOTES—First Sheet

WD 02552—GPB—5,000—10-7-30

[illegible] granted from by the father of the latter three is for a period of 25 yrs from 1909–10 to end in 1933 34. The father died in April 1921 & the joint family consisting of these three brothers & the living Gulla Etc [illegible] of the year 1925–26. During [illegible] there was a regular payment of Gulla till 1930–31. Ever since afterwards there has been a default of payment [illegible] & the matter is now pending before the Collector & the Board of Revenue [illegible] Gulla & Archaka [illegible] a suit does not lie [illegible]

(2) the connected records will be called for if approved, before consulting the Law [illegible]

[illegible]

To. The Mag Conn
No. 1044 of 28–1–37
Forwarding petition in Ml for submission of records connected with the case.

Fwd 29.1.37

Re: Arrears of Suits & assessment (3 certain) lands belonging to Sri Narayana Swamy Temple at Mellodi.

General and Revenue Secretariat

1113 File No. 164 of 1936-7 [App. F. III—2

Serial No.	
3	Petition of 11-2-37 from Ankam Venkataramaiah Setty - Chairman Agraharam stating that under the circumstances stated therein that a sum of Rs 5-249-9-6 is due to him from Government and that the Inam Commissioner and the Deputy Commissioner have passed ex parte orders and praying that justice be done to him.
	6) The petition of Ankam Ramaiah Setty was forwarded to M.C. in this office memo No. 1044 of 28/1/37 - dated, this was also forwarded to him in continuation for the subject of connected records — 5-3-37.
	7) Yes. 5/3/37
	8) Memo of forwarded to M.C. is put up office P. to D. 5-3-37
	9) Yes 5/3/37
4.	To. The Mezz Court No. 1236 q.q-3-37. For the petition in 3 for expediting the submission of the records

Note—Contn. Sheet.

WD 0417 -GPB—80,000—8-9-36

4)

Muz File No. of 193 . | General and Revenue Secretariat

Serial No.

Letter no HC 45/36-37 dt 9.3.1937 from the Muzrai Commissioner submitting records relating to the appeal filed by Ankam Rama Setty of Channarayapatna

Letter no HC 45 dt 23.3.37 from the Muzrai Commissioner returning the petition of Ankam Venkataramana Setty re: grant of land in respect of lands endowed to Sri Narayana Swami temple at Melkote.

10. This is an appeal against the decision of the Mr. dt 30.9.36 in misc appl case no 28/34-35 on the file of this Court regarding the recovery of the arrears of gudika and assessment and cesses due in respect of lands in Doddaguni Kolige Villages of Channarayapatna Tk belonging to the temple of Sri Narayana Swami at Melkote. x B

11 Facts of the case have been fully set forth in the Mr's order of 30.9.36. The grant Kanas executed by Ankam Subbarayya Setty, the father of the appellant, on 29.5.1918 is flagged A: it is clear from this that the lessee was bound to pay in kind x B.

Serial No.

annually,
Rs 358-8-0 ~~per~~ the Kandayam on the lands and Rs 312/- p.a payable to the temple at Melkote for 25 years the year ie till the close of 1933-34. The records disclose that the lessee died in April 1921, leaving three sons after him, who are all majors: these are found to have fulfilled the terms of the lease bond for some years after the death of their father: they divided for ~~the~~ their property during 1926-27. A copy of the partition deed has not been sent by any of them to the Mlz. authorities, nor is their deed found recognised by the concerned officers so as to determine the relative shares each in the temple lands, which have were also divided along with their paternal property. As such, all the three brothers jointly or any one of them in good condition, it is stated, can be proceeded against for the recovery of the outstandings. When the matter was in appeal before the D.C. [illegible] during 34-35, he has held that the appellants have no case [illegible]

Flag A.

NOTE—Contn. Sheet.

WD 0417--GPB—30,000-8 9 36

(6)

Mug File No. of 193 | General and Secret

Serial No.

inherited from their father are liable for the payment of gulla and assessment. The Govt. in appeal [illegible] Rs 25/- The M.C. also agreeing with the D.C. in his views, dismissed the appeal.

13

II In para 4 of the P.A. the appellant Rama Setty says that the local authorities having expressly recognised him & his brothers to be each liable for no more than 1/3 of the gulla assessment under the lease deed of [illegible] Sec, the procedure adopted for recovering the entire amount without reference to this apportionment of liability is unjust. This is not borne out by the records.

12 In para 5 he says that his father agreed to pay Rs 358-0-0 towards the assessment; this was the total sum of assessment in 1918 when the lease deed was executed; later on it may have been revised, the total sum [illegible] Rs 476/- now; the lease deed does not go to show that the lessee

5

Appeal pet[n] of Ankam Rama Setty and his brother Venkatasamana [illegible]

General and Revenue Secretariat — Mus File No. — of 193[illegible] — [App. F. III—2

Serial No.	
A	would have only Rs 3588 annually as a [illegible] The Kundas[illegible] In these circumstances it is urged that none of his contentions is tenable. His brother Venkatasamana Setty in his separate appeal pet[n] goes a step further & claims a refund of Rs 5-249 cesses, and on the ground that Co cess Kundays has been realised etc. from 1922-24 have been collected from them. There is no force in this statement; assessment includes cesses also. For the default of their other brother Krishna Setty in making payments, the appellants & other jointly or severally are liable.
* Pl. read II	& The properties left by the original lessee Subbaraya Setty, the father of the appellants, can be proceeded against for the recovery of the outstanding in whose ever possession the property is. In view of the rule in the D.C & the M.C. [illegible] the portion of [illegible]

NOTE—Contn. Sheet.

WD 0417—GPB—80,000—8 9-36

Appeal of — Ankaan Ramaa regarding the arrears of Gulta and due by him.

File No. of 193 . | General and Secre

Serial No.

note marked A in para 12 of the note, is not an accurate statement. The lessee has agreed to pay only Rs 358-0-0 on account of the Land Revenue due on the lands. (Vide the fifth line from the bottom of the lease-deed, especially the portion underlined in pencil). The petitioner states that he is not liable to pay more than Rs 358-0-0 on account of Land Revenue due on the land. He states Rs 476-5-6 was recovered from him on account of assessment due by him and that he is therefore entitled to a refund of the difference between the amount recovered and the amount which he has agreed to pay. The Inspl Comr. may, if approved, be requested to report why Rs 476-5-6 per annum was recovered from the lessee although the amount agreed to be paid in the lease-deed is only Rs 358-0-0.

13. The appellant denies that he is responsibility for the obligations arising from the lease-deed executed by his father Sankaran Subbaya Pattar. (Vide para 3 of the appeal petition). The Govt.

F
* Vide para 5 of the appeal petition

(9

Appeal of Anakam Rama Setty regarding the award of gutta and assessment due by him.

7266/36

General and Revenue Secretariat — File No. — of 193 6-7 — [App. F. III—2

Serial No.

Asst. Secretary, Law Section, may be consulted, if approved, on the question whether the sons of the lessee Anakam Subaraya Setty can be held responsible for the gutta or rent due on the lands of the temple for the years subsequent to the death of Anakam Subaraya Setty and in the absence of a separate lease deed executed by any of the sons of Subaraya Setty. —

26.6.37.

It is for favour of opinion as to the point raised at point A of the note supra

2/26/6.

Mr. Levy Law
N.C.).

306
Law
26/6

15) In para 2 of the appeal memo presented on behalf of Anakam Ramasetty it is urged that the Local Authorities have expressly recognised him and his brothers to be each liable for not more than 1/3 of the gutta amount under the lease deed of their father and have collections on that footing. The allegation in Venkataram Ansetty's petition is [illegible] in para 2, of this petition we have, [illegible] the writers became [illegible], the [illegible] before the Board authorities [illegible]

NOTE—Contn. Sheet.

WD 0417 -GPB—30,000—8 9-36

Subject: Tari gutta
lease on land belonging to melkote

File No. of 1936-7 Genera

Serial No.

that each ryot might pay ⅓ gun gutta
amount.

16) Further metn may kindly be
directed if the said allegation of Venkatara
mana vasetti is true, and if so, the petition
filed by the villagers and the order passed thereon
may kindly be furnished.

Asst - Survey
Mysore
I/C

RSMK
22-7-37

MSV2

Kind ref^e is invited to the statement of
of Archak Venkataramanavetty
18/11/37 before the Amildar of Channarayapatna;
from this it is clear that he has himself confessed
that they have obtained no order from the
Concerned authority that they may pay
the gutta amount etc according to the
lease referred to therein & also to the following
extract of the Amildars report of 30/6/34 *C

× × × ×

[illegible] verses [illegible]

[illegible]

× × × × ×"

It is as per their own internal arrangement
that the sons of the deceased lessee want

cadl — Re: Grant amount on lands belonging to Melle de Tremble — (11

General and Revenue Secretariat

Mug File No. of 193 [App. F. III—2

Serial No.

on paying ch Rs 1024/- each towards the Grant Amount; The Arrangement has not been sanctioned by any of the Mug. offices. Further it is said that it is for the appeal petitioners to ~~date~~ produce either the original ~~orders~~ or the Certified Copies of ~~orders~~, if any, to substantiate their statements & Claims. In the circumstances it is for ~~orders~~ if the records may be returned calling for information in paras 15 & 16 supra.. or the pets asked to produce Certified Copies —

Dft is also pontus. (illegible)

29.7.37 21) Dft Usa 29/7

6 No 116 of 29. 7. 1937 of the Mug to the Commissioner Calling for additional information.

Letter no Rc 45-/36-37 of 18. 10. 1937 from the Mug to the Commissioner stating for reasons set forth therein that the contentions of the Appellants does not deserve any consideration for reasons set forth therein

The information furnished by the M.C. is called back as per paras 15 & 16 supra —

The file of appeal will be sent to Law Dept. for Law opinion.

21/10 Asst Secy Land Revenue

127 Laws 18/10

NOTE—Contn. Sheet. 21.10.37

WD 0417—GPB—30,000—S 9 36

(12) Appeal from Ag. Amildar in respect of the lease of Hallatti Tumbda

File No. of 193 .

General an

Serial No.

2nd It is clear from the Mamlatdar's Commissioner's letter (P.W.D. II) that the distribution of the lease lands among the three brothers with the stipulation that each one of them should pay 1/3 of the gutta amount etc. is only an internal arrangement among the brothers, and that the arrangement was not accepted by Government at any time. It is not therefore open to the sons of the deceased lessee to contend that their liability should be limited to 1/3 share. As legal representatives of the deceased lessee, they are all responsible for the gutta due under the lease deed executed by their deceased father.

BKR
8.11.37

Asst. Secy. pmg for Secy

For the above view, the appeal may be rejected.

8/11

Gen. Secy.

The petitioners and the R.C.'s report are [illegible]

The grounds urged have been met. No hardship is likely. What about the fees?

17/4

GENERAL SECRETARY.
8 NOV. 1937
285-97

Gatta due to the temple at Melkote on certain lands belonging it in Channarayapatna Taluk,

Serial No.

26. The other points raised in the appeal petition are

(1) that the appellant relinquished the position of the lands in his possession & that therefore there was no privity of contract subsisting between him & the first

(2) that assuming that the original lease deed is binding on the appellant, he is liable to pay a rent of Rs 315-0-0 only as per lease deed & that the excess over this rate recovered from him till now is refundable to him.

29. As regards the first, it may be stated that there can be no surrender of the lease except by mutual agreement between the lessor & lessee (Vide Sec 111(e) of the Transfer of Property Act) In this case the first suit having dismissed on the terms made by the lessor.

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13 S 37

13(4) Appeal regarding temple at Melkote from certain in Chennarayapatna Taluk.

Mysore File No. 164 of 1936. General

there has been no amendment the lease is deemed to continue.

30. As regards the second point, it must be seen that the lease deed stipulated that the lessee would pay the assessment on the lands which there was Rs 388-8-0 & also a quitrent to the temple and Rs 6-6-0 for inam or Rs 312/-. The assessment was revised during resettlement & it is the increase that the appellant refers to. Although the lease deed made mention of the exact amount of assessment at the time, it is clear that what was agreed upon was that the lessee should pay the assessment that was to be in force from time to time & pay a quitrent to the temple. There is thus no variation of the amount of quitrent & consequently

Appeal regarding the gulta due to the temple at Melkote on certain lands in Channarayapatna Taluk.

(14

Muzahpl 24 — 31.37

General and Revenue Secretariat — Muzrai File No. 164 of 1936. [App. F. III—2

Serial No.

GENERAL SECRETARIAT
25 NOV. 1937
2902

31) The petitions and the M.C's report are orbd for perusal -

32) In the circumstances of the case the M.C.'s order is right and need not be interfered with. The appeal may be rejected.

x B

DEC 7 1937
3212

(Hon'ble Member)

No 85 of 11.12.37 to the Asst Commr Muzrai Circle Bellary

1) Asst Commr Muzrai Circle Bellary

No 85 of 11.12.37 to the Asst Commr Muzrai Circle Bellary

8

No 85 of 11.12.37 to the Asst Ankam Ramaswamy of Channarayapatna and Ankam Venkatacharlu Setty intimating that Government see no reason to interfere with the order of the Muzrai Commissioner and that the appeal fails to be rejected

NOTE—Contn. Sheet.

WD 0231—GPB—10,000—1.5.37

Muzaffarpur No. 25
36-37

Muz File No. 164 of 1936.

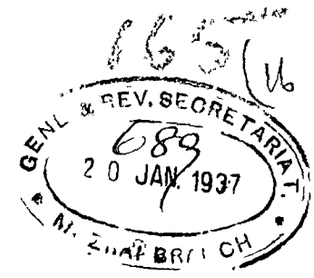
General

No 95-9 of 11-12-1937 to the Muzaffarpur Commissioner forwarding copy of the foregoing for information and necessary action.

B
10/1

GENL & REV. SECRETARIAT.
12. JAN. 1938
MUZAFFARPUR

H.C. 45/36.



ಎರಡು ರೂಪಾಯಿ TWO RUPEES

Before the Governor of H. High the Maharaja of Mysore, ~~of Mysore~~, Bangalore.

Muzrai appeal No. 25 of 1936-37.

Appellant.	Vs.	Respondent.
Ankam Ramasetty Son of Ankam Subbaraya Setty Merchant. Channarayapatna.		Government.

:69/437

Under Section 38(2) of the Mysore Religious and Charitable institutions Regulation, the appellant above named, begs to prefer this appeal against the order of the Muzrai Commissioner in Muzrai appeal No 28 of 1934-35 dated 11th November 1936 on the following amongst other reasons:-.

1. The learned Muzrai Commissioner has not considered any of the contentions urged before him on behalf of the appellant against the order of the Deputy-Commissioner, in so far as there is not even a reference to the same but merely adoption of the view of the Deputy-Commissioner in the order of the Muzrai Commissioner.

2. From the very statements of the facts of the case embodied in the order of the Muzrai-Commissioner it is obvious that the appellant relinquished the portion of the temple lands which was in his possession for a time, that there was no privity of contract between him and the Government, that his liability as a lessee was restricted to a portion of the entire extent comprised in the lease-deed executed by his father as recognised

recognised by the authorities and proof or suggestion that the ... not agreed to a lessee for any particular period.

3. In view of the admitted facts of the case there is no justification either in law or equity to consider that the obligations under the lease-deed executed by his father attach to the appellant, as a whole, either with regard to the period prescribed or the quantum of gutta fixed thereon.

4. The local authorities having expressly recognised the appellant and his brothers to be each liable for no more than 1/3rd of the gutta amount under the lease-deed by their father and made collections on that footing, the procedure now sought to be adopted of recovering the entire amount without reference to this apportionment of liability, from the appellant solely is extremely unjust and unjustifiable.

5. Assuming that the original lease-deed is binding to the letter, the appellant cannot be called upon to pay the kandayam in excess of what was payable at the time of the original lease-deed. An examination of the records will show that according to the said lease-deed, Rupees 358-8-0 was payable towards the assessment of the lands by the lessee. As a matter of fact, however, Rupees 476-5-6 per year has been collected towards the kandayam of the lands. It is not apparent how the Government being in the possession of the Land-Lords can insist on an enforcement of a part of the terms of the Contract to their advantage and ignore a portion of the same Contract, adherence to which may reduce the —

cess. On the strict terms
the Contract as embodied in the lease-deed the
appellant as one of the legal representatives of the
lessee is entitled to a refund of all amounts
paid towards the Kandayam in excess of Rupees
35-8-0. This aspect of the matter seems to have
been brushed aside by the Subordinate authorities
in the disposal of the matter.

6. Furthermore, there has been undeserved
hardship meted out to the appellant because of
his being the only person of means and resource
amongst the original lessee's sons inasmuch as
he is sought to be rendered liable for the
entire gutta inclusive of what is payable by
his brothers.

7 No attention whatsoever has been given
to the fact that the lands in appellant's possession
yielded very little return, between the years 1930-31
to 1932-33 and that he realised absolutely nothing
from the lands during 1933-34 as these were
given up to Government. Moreover, the price of
produce during all this period was abnormally low

8. The appellant and his brothers not being
Contracting parties expressly and having intimated
to the authorities that they are not willing to
remain as lessees, the proper course for the
authorities to have adopted was to dispose off the
lease of the lands afresh and not to let the
lands lie fallow. The failure on the part of the
authorities to do so or at least to inform the
parties concerned that the relinquishment
proposed cannot be accepted has been the cause of
needless trouble and avoidable loss.

9. The orders of the Subordinate authorities
in this matter are quite opposed to law, justice,

19)

justice and equity.

10 The want of timely action, dilatory attitude on the part of the Local authori the absence of application of strict legal principles or equitable considerations, have all served to foist a heavy and unjust liability on the appellant.

11 It is, therefore, prayed that the entire records may be called for and the matter decided on the merits.

12 ~~Already~~ Already, on the strength of the orders now passed, a substantial portion of the amount in contest has been recovered from the appellant on pain of coercive proceedings being adopted.

13. It is prayed that proceedings for the recovery of the balance, at least, be kindly stayed till the disposal of this appeal.

Bangalore.
19.1.37.

R. Venkata Ramaiya
Advocate for Appellant.

1044/Mus/36-37/Sec 2 dated 28-1-37 from the Deputy Commissioner for Submission of the Records connected with the Case.

H.C. 45/37

H C

/ CVR

Received
Mysore
Asst Secretary
to Government
Rev Dept

10/2/37

1044/Mus/36-37/Sec 2
11-2-37.

Forwarded with compliments to the Deputy Commissioner Hassan district for favour of submitting the entire records connected with the petition and its enclosures should be returned.

for Mysore Commissioner

OFFICE OF THE DEPUTY COMMISSIONER
12 FEB
HASSAN DISTRICT

P.R. 29/2 Copy

V. SECRETARIAT
GENERAL BRANCH
15. FEB. 1937

TWO RUPEES రూ-2

GENERAL SECRETARIAT
13 FEB. 19..

9

(15)

34-33 సీజన్ లో

గిరిజన స్త్రీ లకు వివిధ రకాల వస్తువులు పంపిణీ

10

గిరిజన ప్రాంతాలలో స్త్రీలు ఎదుర్కొంటున్న సమస్యలను దృష్టిలో పెట్టుకొని వారి జీవన ప్రమాణాలను మెరుగుపరచడానికి ఐటిడిఏ పాడేరు వారు 1-3-33 నుండి 15-3-33 వరకు పాడేరు, అరకులోయ, చింతపల్లి, జి.మాడుగుల, కొయ్యూరు మండలాలలో గిరిజన స్త్రీలకు వివిధ రకాల వస్తువులు పంపిణీ చేయడం జరిగింది.

11

గొంతినొప్పి నివారణకు ఉపయోగపడే ఔషధాలు, గిన్నె నారతో తయారుచేసిన తాళ్ళు, మంచాలకు బిగించే నారతాళ్ళు, వివిధ రకాల వస్తువులు, ఇనుప పెట్టెలు, ఇనుప మంచాలు, ఇనుప కుర్చీలు, ఇనుప బీరువాలు, ఇనుప కత్తులు, ఇనుప గొడ్డళ్ళు, ఇనుప పారలు, ఇనుప పలుగులు, ఇనుప సుత్తులు, ఇనుప కొడవళ్ళు, ఇనుప గునపాలు, ఇనుప కడ్డీలు, ఇనుప రేకులు, ఇనుప పైపులు, ఇనుప వైర్లు, ఇనుప తీగలు, ఇనుప మేకులు, ఇనుప స్క్రూలు, ఇనుప నట్లు, ఇనుప బోల్టులు, ఇనుప వాషర్లు, ఇనుప రింగులు, ఇనుప చైన్లు, ఇనుప తాళాలు, ఇనుప కీలు, ఇనుప హుక్కులు, ఇనుప స్ప్రింగులు, ఇనుప షీట్లు, ఇనుప ప్లేట్లు, ఇనుప రాడ్లు, ఇనుప ట్యూబులు, ఇనుప పైపులు, ఇనుప వైర్లు, ఇనుప తీగలు, ఇనుప మేకులు, ఇనుప స్క్రూలు, ఇనుప నట్లు, ఇనుప బోల్టులు, ఇనుప వాషర్లు, ఇనుప రింగులు, ఇనుప చైన్లు, ఇనుప తాళాలు, ఇనుప కీలు, ఇనుప హుక్కులు, ఇనుప స్ప్రింగులు, ఇనుప షీట్లు, ఇనుప ప్లేట్లు, ఇనుప రాడ్లు, ఇనుప ట్యూబులు

12

26.2.34 నాటికి మొత్తం 1500 మంది లబ్ధిదారులకు వస్తువులు పంపిణీ చేయడం జరిగింది. లబ్ధిదారులు తమకు కావలసిన వస్తువులను ఎంపిక చేసుకొని, వాటిని తీసుకొని వెళ్ళడానికి వీలుగా ఒక పెద్ద గదిలో ఏర్పాటు చేయడం జరిగింది. లబ్ధిదారులు తమకు కావలసిన వస్తువులను ఎంపిక చేసుకొని, వాటిని తీసుకొని వెళ్ళడానికి వీలుగా ఒక పెద్ద గదిలో ఏర్పాటు చేయడం జరిగింది. లబ్ధిదారులు తమకు కావలసిన వస్తువులను ఎంపిక చేసుకొని, వాటిని తీసుకొని వెళ్ళడానికి వీలుగా ఒక పెద్ద గదిలో ఏర్పాటు చేయడం జరిగింది.

ఎంపిక చేసిన వస్తువులకు రూ. 50/-/- గుర్తింపు కార్డులు

[illegible]
Rs 2550/-/- [illegible] 23-24 [illegible]
[illegible]
Rs 1178/4/6 [illegible] 33-34 [illegible]
[illegible]
[illegible] Rs 366/-/- [illegible]
[illegible] Rs 115/5/- [illegible] Rs 5249/9/6
[illegible]

13 [illegible] 5 [illegible]

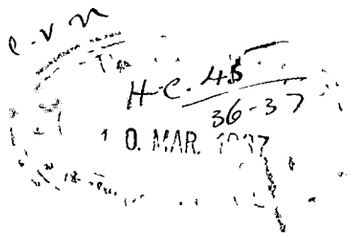
14 [illegible]

[illegible]
11-2-1957 [illegible]

27 Forwarded Compliance

the Mysore Commissioner in Mysore
in continuation of this Office memo.
No 1044/mus 9 28/1/37 for
favour of expediting the records thereon
called for.

By order



Your Lydan Ihrm.

for General Secretary

GS
5/3

M. C. 27]

ಮೈಸೂರು ಸೀಮೆಯ ಮುಜರಾಯಿ ಕಮೀಷನರವರ

ಆಫೀಸಿನಿಂದ.

ನಂ. A.D.C. 28/34 ಬೆಂಗಳೂರು, ತಾರೀಖು 12-11-34

ಸಾಕಿನ ಡಿಸ್ಟ್ರಿಕ್ಟು ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ಆಫ್ ಪೋಲೀಸ್

ಗಾಗಾಗಿ ಮದಲ್ಲಿರುವ (1) ಅರ್ಜಿಯನ್ನು ಮತ್ತು

(2) ಅಂಜನೇಯ ಕೆತಿ ರಂಗಪ್ಪ ಇವರಿಗೆ

ಗೆ ಇಂಡಾರ್ಸ್.

ಇದೇಬಿನಲ್ಲಿ ನಮೂದಿಸಿರುವ ಅರ್ಜಿಯೂ ಮತ್ತು ಈ ವಿಷಯದಲ್ಲಿ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್ ರಿಂದ ಬರಮಾಡಿಕೊಂಡ ರಿಕಾರ್ಡು ಪರಾಂಬರಿಸಲಾಯಿತು.

ಸಹಾಯಕ ಕಮೀಷನರ ಪ್ರಭುತ್ವಕ್ಕೆ

WD 0243—G.P.B.—250—13-12-35

ಇಂಗ್ಲೀಷ್ ಅಡ್ಡಕಾಗದ ಕೊಡಿರಿ

15/11/34

13 FEB. 1935

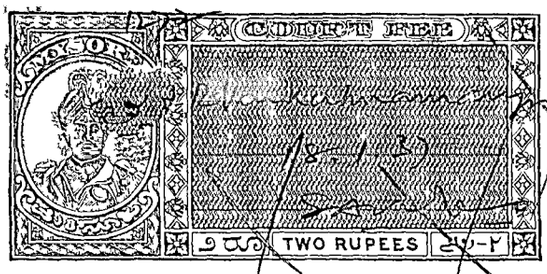
ರಿಜಿಸ್ಟರ್ ನಂ. ಎಫ್ಸಿ 27 34-35

ತಾರೀಖು 29-5-35

ವಿಷಯ :—

ಸಾಕಿನ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ಆಫ್ ಪೋಲೀಸ್ ಅವರ ಕಛೇರಿಯ ಎ ಸೆಕ್ಷನ್ ಸಿ ಸೆಕ್ಷನ್ ಸಿಬ್ಬಂದಿಗಳು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಗಳ ಸಂಬಂಧದಲ್ಲಿ ಸಿಬ್ಬಂದಿಗಳು ಮಾಡಿರುವ ಮನವಿಗಳ ವಿಚಾರಣೆಯ ಬಗ್ಗೆ,

In N. Bracera
12-11-26.
For Meeyrai commissioner.



Before the Govt of His Highness the Maharaja of Mysore
~~in Mysore~~, Bangalore. ಕೋರ್ಟಿನಲ್ಲಿ

ಸ್ 193 6—193 7 ನೇ ಇಸವಿ Misc. appeal ಇದಕ್ಕೆ ಮೊಕದ್ದಮೆ ನಂಬರು

Appellant ವಾದಿ
Ankam Ramaselly.

ಪ್ರತಿವಾದಿ Respondent.
Government.

VS

Appellant ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ನಾಮೆ
ಶ್ರೀ. ಶ್ರೀನಿವಾಸ R. Srikantaradhaiya. M. A. L. L. B. & Rv Sreenivas B. A. Advocate

ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಅಖೈರುವರೆಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸಲಿಕ್ಕೂ ಮತ್ತು ನನ್ನ ಪರವಾಗಿ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ, ಜಾರೀಕ್ರಮ ವಗೈರೆಗಳನ್ನೂ ನಡೆಸಿ ಹಣ ವಸೂಲ್ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ಕೋರ್ಟಿನಿಂದ ಕೊಡಿಸಲ್ಲಬೇಕಾಗುವ ಡಿಕ್ರಿ ಮೊಬಲಗು ತಿಲ್ಕು ಮೊಬಲಗು ಮತ್ತು ರೀಫಂಡಾಗತಕ್ಕ ಮೊಬಲಗು ಮತ್ತು ಸ್ಟ್ಯಾಂಪನ್ನು ಪಡೆಯಲಿಕ್ಕೂ ದಸ್ತೈನಜು ವಗೈರೆಗಳನ್ನು ಮತ್ತು ಈ ಸಂಬಂಧವಾದ ಇತರ ಕಾರ್ಯಗಳನ್ನು ಮಾಡುವುದಕ್ಕೂ ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ಈ ಮೂಲಕ ತಮಗೆ ಸಂಪೂರ್ಣ ಅಧಿಕಾರವನ್ನು ಕೊಟ್ಟಿರುತ್ತೇನೆ.

ಈ ಆಧಾರದ ಮೇಲೆ ತಾವಾಗಲೀ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲೀ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಕೆಲಸಗಳನ್ನು ನಾವೇ ಖುದ್ದು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧ ನಿರುತ್ತೇನೆ.

Ankam Rama

ತಾ॥.....193 .

ಈ ಮೊಕ್ತ್ಯಾರ್ನಾಮಾ ಕೊಟ್ಟವರು

ಈ ಮೊಕ್ತ್ಯಾರ್ನಾಮಾ ಅಂಗೀಕರಿಸಿದ್ದೇನೆ.
R. Venkata Rama Rao
R. Srinivasa Rao B.A.

ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಜೆ.ಟಿ.ಎ. ಪ್ರೆಸ್, ಮೈಸೂರು.

In the Court of the Inamdar Commissioner in Mysore
Bangalore
Appeal No. 28/34-35

Appellant.
(1) Ankam Rama Setty,
son of Ankam Subbaraya Setty
Merchant Channarayapatna
(2) Ankam Venkataramana Setty
Brother of the 1st appellant
Channarayapatna

Subject.

Appeal against the order of the Deputy-Commissioner Hassan District upholding the order of the Sub Division officer, directing that certain arrears of gutta and assessment due in respect of lands situated in Doddaganni and other villages of Channarayapatna Taluk endowed to Sri Narayanaswami temple at Melkote should be recovered from the appellants etc.

Facts of the case

One Ankam Subbaraya Setty, father of the appellants, purchased the lease of inam lands of Sri Narayanaswami temple at Melkote; situated in Doddaganni, Chikkaganni, Vallur and Arekalu Kalenahalli Villages in Channarayapatna Taluk for an annual gutta of Rs 512/- for a period of 25 years from 1909-10 to the end of 1933-34. A lease deed was also obtained from him on a stamped paper on 29.5.1914 which was duly registered. On the death of the lessee in April 1921, his sons, the appellants and their brother one Krishna Setty, who formed a joint family, continued to be in possession of the inam lands and paid the gutta etc to the end of the year 1925-26.

The appellants and their brother, Krishna Setty are said to have effected a partition of the family properties amongst themselves in the year 1926-27 when the inam lands of the temple obtained by

the gutta and as the lessees of the Amildar issued a notice to the three of the lessee on 28th November 1931, calling upon them to present themselves before the Amildar within a week and to execute a fresh lease deed, either jointly or individually and that in default, necessary further action would be taken in the matter The notice was served on the appellants and their brother Krishna Selty

In response to the above notice, only Ankam Venkataramana Selty presented himself before the Amildar on 12-12-1931 and gave a statement to the effect that as the temple properties had been divided amongst the brothers he would not execute a fresh lease deed unless the portions in the possession of his brothers were given to him

In the interval the gutta for the year 1931-32 also accrued for the recovery of the arrears, coercive processes were adopted and as a result there of, gutta amount was recovered from Venkataramana Selty. Ankam Rama Selty also paid his quota of the gutta for the year 1931-32 Gutta amount for the year 1932-33 was also recovered from Ankam Venkataramana Selty and Ankam Rama Selty But Ankam Krishna Selty failed to pay his quota of the gutta amount for the years 1930 31, 1931-32 and 1932-33 amounting in all to Rs 312f at Rs 104/ per year Gutta for 1933 34 also fell due Vig Rs 312f

A destraint order having been issued for the recovery of the said arrears of Rs 312f from Ankam Krishna Selty, the same was returned unexecuted with the statement of the Village that the defaulter owned no properties, either moveable or immoveable, to be proceeded against.

On 31-8-1933 Ankam Rama Selty presented a petition to the Deputy Commissioner,

reserving his portion of the temple
as. this he had received no reply in the
matter and requested that an endorsement
might be caused to be issued to him
in the matter. This petition was forwarded
to the Sub Division officer for a report

The Amildar reported on 30 11 1933, that
as the period of the lease would be over by the
end of the year i.e 1933-34, no action could be
taken on the resignation application during the
currency of the year and solicited orders
in the matter. The Sub Division officer forwarded
the said report to the Deputy Commissioner,
who ordered that action might be taken to
lease out the lands for a period of five years
from 1934-35 and that as regards the question
of the recovery of the gutta, the Sub Division
officer was himself competent to pass orders.

The Sub Division officer ordered on 25-5-1934,
that the sons of the deceased lessee were
liable to pay the gutta and Kandayam.

As against the above order, an appeal
was preferred to the Deputy Commissioner who,
concurring with the Sub Division officer,
dismissed the appeal with the observation
that the heirs of the deceased are bound to
carry out the terms of the lease until the expiry
of the lease period and that the properties
which they have inherited from their father are
liable for the payment of the gutta and
assessment due to Government.

Hence the appeal to this office

The case came up finally for hearing
on 5-9-1936 when the counsel for the Aikara
Rama Setty was present and heard.

Order in Apl 28/34 is dt 30-9-1936
11-11-1936

I have heard the Advocate for the
appellant, Rama Setty and also perused the records

detail, the reasons which led
decision that is now under appeal is
with him in the view that he has taken of
The appellant and his brothers are liable to
the amounts due on account of the
to the extent of the properties that they have
inherited from their father. I dismiss the appeal.

(Sd) K V. Anantaraman
Municipal Commissioner

Copy applied by A Rama Setty
on 18 11 1936
ready on 20 11 1936 & delivered on 28-11-36
No of words —— 820
Copied by Hanumantha
Compared by Jayaramma Reddy

Copying fees 1-2-0
Comparing fees 0-4-6
1-6-6

Copy
M Ramaswamy
Manager
Municipal Commissioner's Office

REVENUE & REV. S
GENL 882
10 MAR. 1937
LIBRARY

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

...36-
- one file

Bangalore,... 9th March... 1937

9.
Muz 164-36-5-

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore

To

GENERAL SECTION
9 MAR. 1937

M. Venkatesa Iyengar, Esq., B.A.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
.....General..... *Department.*

SIR, 9/3/37

Appeal petition of Mr. Amarnatha Sowcar.
to be given effect to in the manner
suggested in letter
No. 1014/1-7.16
dated 6th March
1937.

---

x 21 p/f

Adverting to our Memo .1014/1-7.16 dated 6th March 1937 calling for a precis of the petition, dated, I have the honour to forward herewith a file of proceedings received from the Kasaba Division Deputy Board, Chikballapur under No. 6/36-37 dated 3rd March 1937 for the disposal of the appeal ...2/3-4 preferred under

B

1930.

The petition and the proceedings of the Board are returned herewith for reference to Government.

I have the honour to be,

Sir,

Your most obedient servant,

K. Anantaraman

Muzrai Commissioner.

M.

GE RETARIAT
21
27 MAR. 1937

H.C.45/36-37.
Encls 1+1.

OFFICE O IONER
IN BP.
Bangalore,.... 22nd March .. 1937.
23

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore.

To

GENERAL SECRETARY.
25 MAR. 1937

V. Vedavyasacharya, Esq., B.A.,
Secretary to the Government of His Highness the Maharaja of Mysore,
..... General ..... *Department.*

SIR, 2/3/41

Appeal petition of Ankam Venkataramana Setty re. the gutta amount due in respect of lands endowed to Sri Narayanaswami Temple at Melkote.

In continuation of this office letter No. H.C.45/36-37 dated the 9th March 1937 forwarding the entire records on the appeal petition of Mr. Ankam Rama Setty in re. the gutta due in respect of lands endowed to Sri Narayanaswami Temple at Melkote, I have the honor to forward herewith the petition of Ankam Venkataramana Setty received with your Memo No.1236/Muz.164-36-4 dated 10th March 1937.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 116 Muz 164-36-7 Dated, Bangalore, 29th July 1937.

Muz 2 files · 42 petns

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Muzrai Commissioner in Mysore,

Bangalore.

Sir,

With reference to your letters No.H.C.45/36-37 dated 9th March 1937 and 23rd March 1937 submitting records relating to the appeal petitions of Mr. Ankam Rama Setty and Venkataramana Setty about the Gutta amount due in respect of lands in Channarayapatna Taluk endowed to Sri Narayanaswami Temple at Melkote, I am directed to state that the petitioners have in their petitions stated that they have obtained orders that each of them including their brother Krishna Setty is liable to pay 1/3rd of the Gutta amount and to request you to be so good as to state if this and the allegations contained in Ankam Venkataramana Setty's petition are true, and if so, the petitions filed by them and the order passed on them may be forwarded for reference. The connected records received from you together with appeal petitions are herewith sent for reference and retransmission with your reply.

I have the honour to be,

Sir,

Your most obedient servant,

[illegible]

for General Secretary to Government.

ACH.2.

F G—1]

CJ .....

.....

.....

Section Mus

File No. 164-36

Serial No. 46

2 Cdes

Diary No. of letter replied to 882-J-32

No. 116 Enc 2 files and Postcard

To

The M.C.

General and Revenue Secretariat

( )

the 193 .

Sir,

I. I am to refer to your letters

Date of issue 29-7-37 No. He 4936-3709-3-37 dated 23.3

Signed by S. K. Venkataramana submitting records relating to the appeal petns of Mr Anthan and Venkatasamana Setty

Rama Setty about the Sirsa

Amount due in respect of Chamarajapatna Tk.

lands endowed to Sri Narayana Swamy Temple at Melkote,

I am directed to state that

List of enclosures The appeal petns have in

their petns stated that they

Copied by have obtained orders thro one

of them dated

Examined by

WD 71—GBPM—40,000—20-7-31

Orders of the Govt. Secy

to issue

CJ 29/7

Amendment and to

You have agreed as to state
and the allegations contained in Ankam Venk
of this brief and so, the petitions
filed by them and the orders passed on them
may be forwarded
for ref^e the connected records
received from ~~Sangli~~ are called for
Sent for Ref^e & return
with your report.

Thanks &c
Mr 28/7/37
for Jn Le

28/7 29.7.37.

No. HQ45 Encl 2 Files 36-37

D. No Cam & Ag.

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, 14th October 1937

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

GENL & REV. SEC. 627 8 - NOV. 1937

To

M. Venkatesa Iyengar, Esq., B.A.,
General Secretary to the Government of Mysore,
BANGALORE.

GENERAL SECRETARY. 20 OCT. 1937

Muz 164-36-7.

Appeal petition of Mr. Annam Rama Setty re. Gutta amount and assessment due in respect of endowed to Melkote Temple.

With reference to your letter No.116/Muz.164-36-6 dated 19-7-1937 in re. the above, I have the honor to forward herewith the entire file of vernacular records received with the Hassan District Deputy Commissioner's letter No.C.2534/36 dated 25-9-37, and to state that it is seen from the Amildar's report dated 20-8-1937 that the distribution of the lease lands among the three brothers with the stipulation that each one should pay 1/3rd of the gutta amount etc. is only an internal arrangement among the brothers at the time of dividing their father's properties, and that, the arrangement was not accepted by Government at any time nor are there any records to show that such orders were passed as alleged to by the appellant.

2. As regards his allegation that excess amount is being recovered towards assessment due on the lands etc., it will be seen from the Amildar's report dated 24-9-1935 that while the assessment fixed on the lease lands was Rs.358-8-0 according to the Original Survey at the time of executing the leasedeed, it was subsequently enhanced to Rs.376-5-3 at the time of re-survey in 1924-25 and as such, there has been no excess recovery in this behalf. Their contention, viz., failure of crops between 1930-31 and 1932-33 and abnormal reduction in prices for agricultural produce during the periods also, does not deserve consideration in view of the terms of the lease deed.

This office file No.App.28/34-35 is also sent for reference.

I have the honor to be,

Sir,

Your most obedient servant,

M. N. Ramalingam.

For Muzrai Commissioner.
(Absent from headquarters)

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 857-8
Mag 164-36-8

Dated, Bangalore, 9th December 1937.

ENDORSEMENT.

1) Mr Ankam Rama Setty of Channarayapatna
C/o R. Venkataramaiah Esq MA BL
Advocate. Bangalore City.

2) Mr Ankam Venkataramana Setty
Channarayapatna.

With reference to his petition appealing against the orders of the Muzrai Commissioner in the matter of the gutta amount and the Kandayam due in respect of certain lands endowed to Sri Narayanaswami Temple at Melkote, which were leased to Ankam Subraya Setty, the petitioner is informed that Government see no reason to interfere with the orders of the Muzrai Commissioner and that his appeal petition is rejected.

By Order.

General Secretary to Government.

no 859 Mag Inst 2 files.

F G—1]

BJECT .....

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Section Mu3

File No. 164-36

Serial No. 8

Diary No. of letter replied to ~~6884/37~~ 882-1921

No. 857-8

To Mr. Ankam Rama Selly
(1) of Channarayapatna C/o
R. Venkatanarayana Esq
Mysore Adv.
Advocate.
Bangalore City.

(2) Mr Ankam Venkatanarayana
Setty
Channarayapatna.

—

General and Revenue Secretariat

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the 193 .

Date of issue 11-12-37

Signed by Mr S. K. Venkataramana Iyer.

only one petitioners

(1) Address (1) & (2) to be

~~Typed separately~~ in

each fair copy.

In the ref^ce to his pet^n ~~dt 19.1.37~~

~~(2) 11.2.37~~

appealing against the order of the
M.C in the matter of the Gowda
Samaja and the Kandayam
Dues in respect of lands
endowed to Sri Narayana
Swamy temple at Melkote,
which were leased to Ankam
~~Mr Ankam Rama Selly~~
~~Subbaraya Setty~~
~~Mr Ankam Venkatanarayana Setty~~

List of enclosures.....

Copied by.....

TYPING SECTION
9 DEC 1937
GEN. & REV SECTT.

Examined by.....

order on this Appn see
Dy Secy

WD 0253—GPB—15,000—26-8-32

owner
is informed that Govt see no reason
to interfere with the order you made
and that their appeal petn is
rejected —

B.O

9/1/37

For Gen Sec
S.9/Mtg Encl 2 files. 9/11-12-37
Copy to m.e. for information and
necessary action with the connected
records received with his
letter No HC 45/36-37 dt
9.3.37 on the Subject.

B.O

For Gen Sec

GS note
9/11